

Notice of Allowability

Application No.

10/730,951

Applicant(s)

JENNINGS ET AL.

Examiner

Janet L. Coppins

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' After-Final Amendment of June 26, 2007.
2. ☒ The allowed claim(s) is/are 1-16 and 18-39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. Claims 1-16 and 18-39 are pending in the instant application.

Response to After-Final Amendment

2. Applicants' After-Final Amendment and Response of June 26, 2007 has been reviewed by the Examiner and entered of record in the file. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

3. Accordingly, claims 19 and 31 have been amended.

Pending Rejections- 35 U.S.C. 112

4. The Examiner had previously rejected claims 19, 31, and 37-39 as not being enabled, for treating all types of cancer or Alzheimer's disease. Claims 20-30 were also rejected as being dependent on rejected base claims. The Examiner notes with appreciation the claim amendments to specify methods of treating either ovarian or breast cancer. The Examiner also notes the submission of numerous references, which detail the relationship between compounds that inhibit PAI-1 activity and Alzheimer's disease, as well as certain types of cancer. Eighteen references are submitted that provide evidence and support for the role of PAI-1 inhibitors in Alzheimer's disease, and seventeen journal articles are submitted that support the role of PAI-1 inhibitors and cancer. Therefore, the Examiner withdraws the rejections to the claims.

Allowable Subject Matter

5. The Examiner had indicated in the previous Office Action that claims 1-16, 18 and 32-36 appeared allowable over the prior art. In view of Applicant's amendments and persuasive arguments, claims 1-16 and 18-39 are now directed to an allowable product and process.

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REASONS FOR ALLOWANCE

6. In view of the amendatory changes and cancellations, claims 1-16 and 18-39 are allowable over the prior art, as newly renumbered claims 1-38. The following is an examiner's statement of reasons for allowance:

This invention relates to novel 3-alkyl and 3-arylalkyl 1H-indol-1-yl acetic compounds, their pharmaceutical compositions, and their methods of use. The allowable compounds are limited to compounds according to formula (I) of claim 1, that are PAI-1 inhibitors. Certain 1H-indol-1-yl acetic compounds are known in the art as having pharmaceutical activity, however the aspect of preparing the instant claimed indole derivatives, with PAI-1 inhibiting activity, is novel and unobvious. After a thorough search, the closest of prior art, WO 00/32180 to Sredy et al, was found to teach similar indole-alkanoic acids for treating diabetes, for example. However the Sredy et al document fails to teach or render obvious the instant claimed compounds, and does not fairly suggest methods of using the instant claimed compounds for inhibiting PAI-1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet L. Coppins whose telephone number is 571.272.0680. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on 571.272.0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Janet L. Coppins
September 13, 2007

KAMAL A. SAEED, PH.D.
PRIMARY EXAMINER

Joseph K. McKane
SPE, Art Unit 1626